

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 AMANDA JIMENEZ; HILDA MICHELLE
 MURPHREE; MASHAYILA SAYERS;
 BRITTNEY TINKER; KIMBERLY
 MULLINS; and JENNIFER MONACHINO,
 each individually and on behalf of all others
 similarly situated,

Plaintiffs,

v.

ARTSANA USA, INC.,

Defendant.
 -----X**ORDER**

21 CV 7933 (VB)

On November 8, 2023, the Court held a hearing on the pending Motion for Final Approval of the Class Action Settlement (Doc. #56 (the "Final Approval Motion")) and the Motion for Attorneys' Fees, Costs, Expenses, and Incentive Awards. (Doc. #61 (the "Attorneys' Fees Motion")).

Defendant opposed both motions because of apparent fraud in the claims process. (See Docs. ##78, 84). This fraud was discussed at the November 8, 2023, fairness hearing, at which the Court decided to defer consideration of both motions and continue the fairness hearing to a later date so the parties could close the claims period, notify class members of the new claims deadline, and work with the settlement administrator, Angeion Group, LLC ("Angeion"), to identify and exclude fraudulent claims.

Following the hearing, the Court issued an Order scheduling the continued fairness hearing for February 8, 2024 (subject to confirmation from the parties that this was a suitable date), directing the parties to submit an updated affidavit from Angeion regarding the status of the claims process at least seven days before the continued hearing, and directing counsel to jointly submit a stipulation and proposed order setting a deadline for the submission of claims and describing the methods by which the parties will provide notice of the deadline to potential class members. (See Doc. #98).

Thereafter, counsel submitted a Joint Stipulation and Proposed Order Regarding Close of Claims Period and Date of Fairness Hearing, which the Court so-ordered on November 27, 2023. (Doc. #101). Pursuant to that Order:

- (i) the parties shall direct Angeion to update the settlement website and notify class members as described in November 27 Order that January 7, 2024, is the deadline to submit claims;
- (ii) Angeion shall provide counsel with a spreadsheet containing information about all submitted claims and products by January 31, 2024;

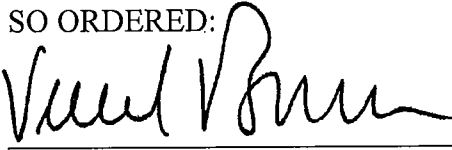
- (iii) any objection/contest process, rejection-letter-and-appeal process, or deficiency process will take place before the date of the continued fairness hearing; and
- (iv) the fairness hearing should occur in April 2024. (Doc. #101).

In light of the parties' efforts to resolve the apparent fraud underlying the claims process, which forms the basis of defendant's objections to the Final Approval Motion and the Attorneys' Fees Motion, it is hereby ORDERED:

1. The Final Approval Motion and the Attorneys' Fees Motion are DENIED WITHOUT PREJUDICE to renewal prior to the continued fairness hearing scheduled for April 23, 2024, at 2:30 p.m.
2. By March 22, 2024, class counsel shall file a renewed Final Approval Motion and Attorneys' Fees Motion, and shall indicate in the renewed motions whether they are filed jointly with defendant.
3. Defendant's opposition, if any, to the renewed motions is due April 5, 2024.
4. Class counsel's replies, if any, are due April 12, 2024.
5. Angeion shall file a final affidavit regarding the status of the claims process by April 16, 2024.

The Clerk is directed to terminate the pending motions. (Docs. ##56, 61).

Dated: December 8, 2023
White Plains, NY

SO ORDERED:


Vincent L. Briccetti
United States District Judge